

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

PRECISION PAYROLL SERVICES,)	
LLC,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 2:16-cv-00439-NT
)	
ADVANTAGE PAYROLL SERVICES,)	
INC.,)	
)	
Defendant.)	

**ORDER ON DEFENDANT’S MOTION TO DISMISS AND PLAINTIFF’S
MOTION TO STRIKE**

Before me is the Defendant’s motion to dismiss Counts Four through Six of the Plaintiff’s Complaint under Federal Rule of Civil Procedure 12(b)(6) and the Plaintiff’s motion to strike the Defendant’s counterclaims under Federal Rule of Civil Procedure 12(f). Def.’s Mot. to Dismiss (ECF No. 7); Pl.’s Mot. to Strike (ECF No. 17).

The Plaintiff in this case is Precision Payroll Services LLC (“**Precision**”), a franchisee of Defendant Advantage Payroll Services, Inc. (“**Advantage**”). Precision is one of five franchises (“**the Associates**”) that have brought concurrent suits against Advantage. *See Howell v. Advantage Payroll Services, Inc.*, No. 2:16-438-NT. Precision filed separately and only against Advantage because it could not establish diversity jurisdiction over its claims against Paychex. Compl. ¶ 5 (ECF No. 1).

For the reasons set forth in my Order on Defendants’ Motion to Dismiss and Plaintiffs’ Motion to Strike, *Howell v. Advantage Payroll Services, Inc.*, No. 2:16-438-

NT, the Court **DENIES** the motion to dismiss on Counts Four and Five and **GRANTS** the motion to dismiss on Count Six. The Court **DENIES** the motion to strike.

SO ORDERED.

/s/ Nancy Torresen
United States Chief District Judge

Dated this Dated this 28th day of February, 2017.